

United States District Court
Western District of Missouri
Southern Division

KEVIN WARD
Plaintiff,

v.

Bradley Smith, et al.
Defendants.

Cause No. 10-3398-cv-S-ODS-P

Plaintiff's Motion to compel discovery or in the
alternative Appoint Counsel.

Comes Now Plaintiff, Kevin Ward, prays and request
this honorable court compel the defendants to produce All
discovery items requested or in the alternative Appoint counsel.

1. Plaintiff makes one exception to his request. No. 1
of plaintiff's motion is withdrawn with the exception of
defendants addresses and social security numbers.

Defendants are continuing to allege that prison officials
did not confiscate plaintiff's entire file. Prison officials did
do it. Just for the sake of argument, lets say plaintiff
did want to keep all the stuff that was sent. Plaintiff would
have "NO REASON" for hiding his entire file. None at all.

Prison officials confiscated all of the file. Prison officials even told the plaintiff that's what they were going to do. They done it and never returned any of it.

2.

(6.) Plaintiff states, the defendants are hiding documentation. "Strip cell status" equals to limited property but what this policy describes is not the method they use. It is not the method they used on plaintiff on 10-26-2009.

3. The plaintiff does request to review, All (5) wall mounted cameras and the handheld camera operated by YOT Penham. If counsel is appointed, plaintiff want the video produced to counsel.

4. Plaintiff does request to review the audio taped interview between himself and investigator MS Cantrell. If counsel is appointed, the plaintiff wants a copy of the tape produced. This interview was taken between or during the month of ~~2009~~ December 2009.

5. The plaintiff has alleged that the prison officials have "set him up" for a charge of assault the day before he was scheduled to take his deposition so they could (steal) (confiscate) the documents they'd given to the plaintiff. The plaintiff request the defendants or ~~ask~~ the court compel the defendants to produce the video footage from May 31st 2011 to prove even that claim. The footage is of Foodservice, A serving line from **4:30 A.M.** until **6:00 A.M.** The plaintiff is very easy to identify because the plaintiff has a special

PAIR of boots that no other offender in SCCC has AS these boot were issued to the plaintiff by Inmedical at Bonne Terre Correctional Center. The boots are Black leather with (Tan) gummed soles. So the plaintiff stands out clearly. The plaintiff also stands at the head of the line the entire time due to his job assignment. The footage ~~will~~ show that the staff illegally came up behind plaintiff and the plaintiff was not even by the staff that was assaulted.

The plaintiff request this court to compel the disclosure of this video footage.

6. The plaintiff request No. 11. The defendant state this request is overly broad. It is very relevant because the plaintiff does not know the actual date he was interviewed by Ms. Cantrell and needs to be able to get the accurate date down if defendant fail to produce the ~~the~~ audio taped interview. So that log is relevant to the discovery of relevant evidence.

7. The plaintiff request this court ~~compel~~ compel the defendants to produce his medical records from Jan. 1st. 1993 to January 1st 2005. The plaintiff request all information with respect to his chronic care medical treatment. The plaintiff is asthmatic and defendant Breeden claims she checked the plaintiff's medical records. The defendant states the defendants have given the plaintiff selective parts of his medical file that only date back to 2009 that is not what the plaintiff requested.

The plaintiff argues the defendants are wasting valuable time on discovery. The defendant produced to the plaintiff on 7-12-2011, A second copy of his medical file from 2009 6-17-09 to 2-23-09 that accounts for Ward 579 to Ward 712. Also Adgey polices that are of no use to the plaintiff that accounts for Ward ~~430~~ 430 to Ward 578. None of this stuff is useful at all. It is not the stuff the plaintiff requested.

Again the plaintiff reasserts the fact that the defendants are (playing games) with the plaintiff sending numerous double copies to make it appear they are producing a lot of documents of relevance in numbers when in fact they have produced nothing of relevance to this case.

The only way the defendants will be forced to stop playing games is if counsel is appointed because they can't play this game with counsel. The only way plaintiff can get the evidence to prove his case is if counsel is appointed.

If this court cannot compel the discovery of the evidence to a pro'se plaintiff, then how is the plaintiff to prepare his case?

Wherefore the plaintiff prays that this court compel the discovery request from both Counsel for defendants Kierast and Smith, as well as from Counsel for defendant Breeden, whom has not responded at all to a totally different set of request.

Respectfully Submitted,
Kevin Le Drou
Pro'se Plaintiff

Certificate of Service

I hereby certify that a true and correct copy was sent postage prepaid this 13th day of July 2011 to:

United States District Court
Clerk of the Court
400 East 9th Street Rm 1510
Kansas City, Missouri 64106

Kenneth W. Wagoner
Prose Plaintiff

Kevin Ward 503532 (20-701)
South Central Correctional Center
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